

any necessity for a costly Select Committee. A Select Committee means a lot of expenditure to the Government. The existence of a Select Committee is not at all necessary. The Hon'ble House will be pleased to remember that a Bill which was tabled by myself, I refused to refer to a Select Committee. It was passed all the three readings in this House and received the gracious assent of His Highness the Maharaja. I mean the Muslim Charitable Endowment Bill. It was only a copy of the British Law. In the same way, this is only a copy of the British Law and if there are some parochial local distinctions that ought to be made as was enumerated by my Hon'ble predecessors, my submission, Mr. President, is that they can be released by proper amendments. For that such a costly machinery as a Select Committee is not proper. In the interests of the Public Revenue, the protected tax-payer I am objecting to this Select Committee.

The Hon'ble Member complains that barely 45 minutes have been apportioned for the consideration of this Bill and whether it will be a proper discussion. What I submit to this House is that though the discussion on the floor of this House was for 45 minutes, this Bill has been before the Public for a long time. This Bill has been discussed thread-bare in a responsible party and the Public can repose their confidence that the skies are not going to fall if it is passed into Act. Whatever minor matters are necessary can be done even after the passing of this Bill. Therefore to prolong the operations by referring it to a Select Committee at the cost of the tax-payer is not at all considered expedient by me.

Regarding my Hon'ble Friend who is over-anxious about the formation of a Select Committee and regarding this capacity of reading the mind of the Hon'ble Minister, I have all respect to him and all admiration to him. I was simply charmed that he could read the visuality of the Hon'ble Minister. On these points, I oppose the reference of this Bill to a Select Committee.

Mr. V. K. Bhaskara Menon (Cranganur): I support the motion for referring the Bill to a Select Committee not because that there is a necessity for the Bill to be referred to a Select Committee but because of the brilliant arguments advanced by the Advocate of Public Economy, the Hon'ble Member for Cranganur. Now the motion to refer the Bill to a Select Committee has been opposed on the ground that Select Committee are costly and as such the tax-payer's money should not be wasted for Select Committees which are really not required. If that argument is extended, Sir, my submission is that the whole Bill becomes unnecessary and it is a waste of paper to have the Bill introduced. There is already an effective organisation called the National War Front which can carry on intensive propaganda, which can do this as State-wide activity and which can create in the Public, sufficient public opinion so that the Hon'ble Minister would have been saved the bother of bringing a Bill and the country would have been educated, with the greatest economy.

Mr. K. M. Ibrahim (Cranganur): I can castrate him but not the Bulls.

Mr. V. K. Baksakara Menon (Cranganur): I know Sir, that it is his profession (Laughter) I do not quarrel with another's profession. What I am suggesting is if there is a sufficiently strong position that the Bill is not properly drafted, the Bill should be referred to a Select Committee so that the matter may be fully considered and there may be proper legislation. There is no meaning at all in saying that because the Bill is brought by the Hon'ble Minister that it should be supported without any changes what-so-ever. The Hon'ble Minister does not want to oppose the motion but the sub-ministers want it. Then subordinates want it. That is the whole trouble. We really do not know whether we should support the Minister or not. I would therefore request the Hon'ble Member for Cranganur not to go forward with the opposition. Let the Bill be properly drafted and drafted by a responsible Committee. The Hon'ble Minister is for that, and I hope he will accept my suggestion laudibly.

Mr. K. M. Ibrahim (Cranganur): Should not the Hon'ble Minister contribute something? As the Hon'ble Member in-charge of the Bill is he not expected to have his say? Regarding this new motion for reference to a Select Committee, the House expects him to say something.

Mr. President: If he has a wish to do so he can speak. If he does not wish to speak, he need not.

The question of referring the Bill to a Select Committee was put and carried

The Cochin Port Roads Control Act (Amendment) Bill

Mr. M. Sivarama Menon (Advocate-General): I move that the Cochin Port Roads Control Act (Amendment) Bill be read in Council. In making this motion, I wish to bring to the notice of the House that the main Act was passed as Act X of 1117 to authorise the levy of special fees on vehicles that enter and make use of the port roads. It has been found that there must be further legislative authority conferring power to levy terminal fees on goods that are taken in or taken

out of the wharves and the other areas in the Harbour. It has also been found necessary to regulate the traffic on port roads by rules framed for the purpose. On account of the existence of the harbour and the nature of the business that is transacted there it is highly necessary that traffic in that locality should be regulated. The original Act did not contain any provision for the purpose of regulation of traffic or for the purpose of enabling the port authorities to levy a terminal fee on the goods taken in or out of the ports and this amending Bill is only for conferring such authority. The original preamble only provided for the levy of special fees on vehicles. Now two other objects are sought to be introduced. These objects also have to be incorporated in the preamble portion of the Bill.

The authority entitled to levy the fee will be authorised to levy a certain amount of terminal fee on the goods and the extent of such fees has been set out in Schedule II. Schedule I only relates to the fees leviable on vehicles. The rule making powers of the Government are sought to be widened by taking power to frame rules for the regulation of traffic. The rates of fees proposed have been subjected to scrutiny by the Harbour Advisory Committee on which there are representatives of the three Governments and the representatives of both Chambers of Commerce and these rates have been adopted after discussion and both the Chambers had no opposition to the rates proposed. It is a matter of common knowledge that facilities at great cost have been provided by the Port Administration for the transport of goods and landing of goods. A reasonable return should therefore be vouchsafed to the Port on account of these extra facilities. The interests who are to be affected by the proposed changes have been heard in the matter, but the Legislative Authority rests in this House and I therefore place this Bill before this House for consideration.

Mr. A. B. Salemi (Mattancheri): Into which Treasury will this money go?

Mr. M. Sivarama Menon (Advocate-General): It will go to the funds of the Port Administration and it is that administration which has spent all the money necessary for the provision of facilities and in that concern, our Government is also a partner.

The motion put and carried

Secretary to the Legislative Council: The Title of the Bill is "The Cochin Port Roads Control Act (Amendment) Bill".

Mr. M. Sivarama Menon (Advocate-General): I move that S. O. No. 32 may kindly be suspended.

Mr. President: Yes.

Mr. M. Sivarama Menon (Advocate-General): I move that the Bill may be taken into consideration.

Mr. I. Madhava Panicker (Joint Secretary to Government): I second it.

Clauses 2 to 8, put and carried

Clause 1, Title and Preamble put and carried

Mr. M. Sivarama Menon (Advocate-General): I beg to move that The Cochin Port Roads Control Act (Amendment) Bill may be finally taken up and passed to-morrow.

Mr. I. Madhava Panicker (Joint Secretary to Government): I second it.

Motion put and carried

The House rose for lunch at 1-25 p. m. and re-assembled at 2-25 p. m. with the Deputy President in the Chair

The Cochin Stamp Act (Amendment) Bill

Mr. A. Madhava Prabhu (Diwan Peishkar): I beg to move that the Cochin Stamp Act Amendment Bill be read in Council.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Mr. A. Madhava Prabhu (Diwan Peishkar): I wish to make a few observations with reference to this Bill especially because I am afraid it may be viewed in the same light as the Court Fees Act (Amendment) Bill.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Then why move please?

Mr. A. Madhava Prabhu (Diwan Peishkar): I am going to make an explanation so that it may not have the same fate. There is as much difference between this Bill and the other Bill as between day and night, if we really understand the principles of this Bill. No doubt one principle is higher taxation.

Mr. Joseph Petta (Adoor): By implication, you should not condemn the other.

Mr. A. Madhava Prabhu (Diwan Peishkar): There of course there was the fundamental thing that justice should be as cheap as possible. That was the principle that appealed to the House apart from other considerations. This is purely an Act which will touch only those who can afford to pay.

APPENDIX IV

THE COCHIN PORT ROADS CONTROL ACT (AMENDMENT) BILL

Preamble.—Whereas it is necessary to amend the Cochin Port Roads Control Act, X of 1117, for the purposes hereinafter appearing; It is hereby enacted as follows,—

1. *Short title and commencement.*—This Act may be called the Cochin Port Roads Control (Amendment) Act of 11 , and shall come into force on such date as Government may by notification in the Cochin Government Gazette appoint.

2. *Amendment of the Preamble.*—In the preamble to the Cochin Port Roads Control Act, X of 1117, hereinafter referred to as the Act, for the words “driven along the Port Roads” the words “entering the Port Roads and of terminal fees on goods carried by such roads and for the regulation of traffic in such roads” shall be substituted;

3. *Substitution of section 3.*—For section 3 of the Act the following shall be substituted, namely—

“3. *Levy of fees on carriages using Port Road and on goods entering or leaving Port area by Road.*—No carriage or cart shall enter or make use of any of the Port Roads and no goods shall be carried along the said roads unless the fees specified in Schedule I or Schedule II, as the case may be, are duly paid to such person and at such place and in such manner as may be prescribed:

Provided that no such fees shall be levied on goods or carriages or carts belonging to or in the service of Government or exempted by general or special order of Government.”

4. *Amendment of section 5.*—For sub-section (1) of section 5 of the Act the following shall be substituted, namely—

“(1) If the fee payable under section 3 is not paid the person appointed to collect it may seize and detain, in the case of the fees leviable on goods such portion of the goods and in the case of the fees leviable on carriages and carts such portion of the appurtenances of the carriage or cart as will in his opinion suffice to defray the amount due; in the absence of appurtenances or in the event of the value of such appurtenances being insufficient to defray the fee due in respect of the carriage or cart, he may seize and detain the carriage or cart.”

5. *Amendment of section 6.*—In section 6 of the Act for the word “vehicle” the words “carriage or cart” shall be substituted.

6. *Amendment of section 8.*—In section 8 of the Act for the word “Schedule” the word “Schedules” shall be substituted.

7. *Amendment of section 10.*—In sub-section (2) of section 10 of the Act—

(1) the word “and” occurring at the end of clause (b) shall be deleted;

(2) the word “and” shall be added after clause (c); and

(3) the following shall be added as clause (d), namely—

(d) the regulation of traffic on the Port Roads”.

8. *Addition of Schedule.*—The Schedule to the Act shall be numbered as Schedule I and the following shall be added as Schedule II.

SCHEDULE II

Goods	Rate		
	Rs.	A.	P.
1. Grains and Pulses	0	4	0 per ton
2. Goods other than Grains and Pulses	0	7	0 do.